

City of Miami Beach - City Commission Meeting
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
March 17, 2004

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Mayor David Dermer
Vice-Mayor Saul Gross
Commissioner Matti Herrera Bower
Commissioner Simon Cruz
Commissioner Luis R. Garcia, Jr.
Commissioner Jose Smith
Commissioner Richard L. Steinberg

City Manager Jorge M. Gonzalez
City Attorney Murray H. Dubbin
City Clerk Robert E. Parcher

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's Office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

- PA1 Cert. of Apprec./T.C. Adderly, Liaison to S. Florida Employment & Training Consortium. (Bower)
- PA2 Cert. of Apprec./Gladys Rustan-Hernando, Work in the Community. (Bower)
- PA3 Proclamation in Honor of National Women's History Month.
- PA4 Cert. of Apprec./Guillermo Gonzalez & Julio Ledo, Parking Department Employees.
- PA5 Cert. of Completion/Participants of the CMB Community Emergency Response Team.
- PA6 Cert. of Apprec./Rain Drop Day Care Center, Providing Quality Childcare Services. (Bower)
- PA7 **New Item:** Proclamation/Miami Duck Tours, Unique Tours of Landmarks in South Florida. (Cruz)

- C2A Issue P.O. to Duval Ford, Purchase Several Vehicles, \$232,522.
- C2B Approve Purchase of (1) 2004 John Deere 280 Skid Steer w/ Trailer, \$57,470.54.
- C2C Approve Purchase of (3) 2005 International 4300 LP Medtec Rescue Vehicles.
- C2D Approve Purchase of (2) 2004 GO-4 Model BT 57 Parking Enforcement Vehicles, \$51,342.

- C4A Ref: Neigh./Community Affairs Comm.- Bicycle Taxi Business Proposed by Easy Riders. (Cruz)
- C6A **W**-Report: Neighborhood/Community Affairs Committee Meeting of February 17, 2004.
- C6B Report: General Obligation Bond Oversight Committee Meeting of March 1, 2004.
- C6C Report: Land Use & Development Committee Meeting of March 8, 2004.

- C7A Execute Amendment to Agreement, ADA Renovations for Convention Center & TOPA.
- C7B Grant Easement to FPL, Underground Facilities/Transformer Pad at Public Works Yard.
- C7C Execute SHIP Program Agreement w/ MBCDC, Scattered-Site Home Ownership Program.
- C7D Accept/Appropriate M-DC Funds, Emergency Hotel Placements & Food for Homeless Families.
- C7E Approve Sole Source Purchase, Topdressing Sand for the Miami Beach Golf Club, \$43,000.
- C7F Execute Amendment to Agreement w/PCM, Management of Normandy Shores Golf Course.
- C7G Set Public Hearing, Conditional Uses in the MXE, Mixed Use Entertainment District.

Afteraction	March 17, 2004	City of Miami Beach
C7H	Set Public Hearing, Eliminating Dance Halls/Entertainment Establishments in Certain Districts.	
C7I	Execute Amendment to Agreement w/ HDR, New World Symphony & Potamkin Site Project.	
C7J	Approve Placement of (25) Banners for the Red Bull Flugtag, April 10-24, 2004.	
C7K	Approp. Funds, Purchase Q-MATIC System for Customer Flow/Queuing Mgmt in Building Dept.	
C7L	Adopt Certificates of the Results of the March 9, 2004 Special Election.	
C7M	Approve Replacement, Health Facilities Authority Hospital Revenue Refunding Bonds.	
C7N	Implement DBE Program, Purchase Goods/Services/Equipment & Facilities Projects.	
C7O	Set Public Hearing, Prohibit Tran Construction to Continue to Serve as Vendor w/ the City.	
R5A	10:30 a.m. 2nd Rdg , Sale of Alcohol in Nude Establishments.	
R5B	10:45 a.m. 2nd Rdg , Board of Adjustment Membership. 5/7	
R5C	11:00 a.m. 2nd Rdg , Installation of Fences in Multi-Family Districts. 5/7	
R5D	5:01 p.m. 2nd Rdg , Designation of the North Beach Resort Historic District. 5/7	
R5E	5:02 p.m. 2nd Rdg , Rooftop Additions in the North Beach Historic District. 5/7	
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R7C	Ratify a Three Year Labor Agreement w/ FOP, October 1, 2003 - September 30, 2006.	347
R7D	2:30 p.m. Execute Concession Agreements w/ The Market Company, Inc.	412/ SM
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R9C	Disc. Implement Trust Fund for the Late Joseph Johnson's Family. (Garcia)	425
R9D	Disc. Possible Settlement of M/A-COM, Inc, v. City of Miami Beach & Motorola, Inc.	427
R9E	5:00 p.m. Presentation/Mayor's Blue Ribbon - Structural Integrity of Historic Buildings. (Dermer)	429
R9F	Disc. Reso re: Second Amendment to the "Amended 1996 Interlocal" w/ the County.	473/ SM
R9G	Disc. Use of Flamingo Field for the Relay for Life Event. (Garcia)	A
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REPORTS AND INFORMATIONAL ITEMS

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C	Status Report on Fire Station No. 2.	535
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E	Informational Report on Federal, State, County and All Existing City Contracts.	539
F	10:40 a.m. Presentation & Update on the Visitor & Convention Authority (VCA).	541
G1	Minutes from the 2/10/04 PACT Board Meeting & 1/9/04 PACT Executive Meeting. (Bower)	543
H	Presentation by the Greater Miami Convention & Visitors Bureau (GMCVB).	559

REDEVELOPMENT AGENCY ITEMS - 10:00 A.M.

2A	Report of Itemized Revenues/Expenditures of RDA for Month of January 2004.	562
3A	Execute Amendment to Agreement, Renovation & Restoration of the Colony Theatre.	600

Meeting called to order at 9:30:47 a.m.

Invocation given by Father Enrique Estrada from St. Joseph Catholic Church

Pledge of Allegiance led by Chief Don De Lucca.

Times based on the digital recording in the City Clerk's Office

Addendum items: C4A, R7E, and R9G

ACTION: Motion made by Commissioner Cruz to add Addendum items C4A, R7E and R9G as emergency items to the agenda; seconded by Commissioner Bower; Voice vote: 7-0.

Supplemental Materials: C7F (Resolution), R5B (Revised Ordinance), R7D (Memorandum, Resolution, Agreement), R9F (Resolution)

PA - Presentations and Awards

9:35:44 a.m.

PA1 Certificate Of Appreciation To Be Presented To T.C. Adderly For His Work As The City's Liaison To The South Florida Employment & Training Consortium.
(Requested by Commissioner Matti Herrera Bower)

ACTION: Certificate presented.

Commissioner Bower recognized T.C. Adderly for his active work in the community. She explained that T.C. Adderly helped the Community Center establish a job development program that allows placing people in the working force and added that T.C. Adderly seats on the board that distributes the money. She wanted to thank him in public.

Margarita Cepeda, Executive Director of the Hispanic Community Center and Unidad, stated that this recognition is well over due. She stated that T. C Adderly is one of the Board of Directors of the South Florida Work Force Groups and they made it possible for the City of Miami Beach to be included in the regional distribution of federal and local funding. This program is called the Miami Beach One Stop Career Center. Now there is a permanent facility for this program that services 18,000 people.

Jorge Gonzalez, City Manager, stated that Mr. Adderly has done a fantastic job representing the City's interests on the South Florida Work Force Board and making sure that the City gets the resources from federal and state level.

T.C. Adderly stated that it is an honor and privilege to represent the City of Miami Beach. He added that he could not take all the credit and recognized Margarita Cepeda for her assistance.

9:32:39 a.m.

PA2 Certificate Of Appreciation To Be Presented To Gladys Rustan-Hernando For Her Work In The Community.
(Requested by Commissioner Matti Herrera Bower)

ACTION: Certificate presented.

Commissioner Bower recognized Gladys Rustan-Hernando for helping the community and working with the elderly and the children in the Hispanic Community Center. Ms. Hernando donated all the turkeys that the Community Center distributed during Thanksgiving. She quietly works for the community without ever being recognized.

Gladys Rustan-Hernando thanked the City Commission for this honor and added that in her case,

9:46:29 a.m.

PA3 Proclamation To Be Presented In Honor Of National Women's History Month.
(City Manager's Office)

ACTION: Proclamation presented.

Jorge Gonzalez, City Manager, stated that President Bush declared the month of March as "National Women's History Month" and the City of Miami Beach takes pride in "The Women Worth Knowing Program," which recognizes women who contribute to the community. This year the Commission on the Status of Women has identified the following honorees: Ada Llerandi, Ronnie Singer, Patricia Silverman, and Marjorie York as "The Women Worth Knowing" for 2004. They will be recognized tomorrow at the Palms Hotel. He also gave a special thanks to the Commission on the Status of Women and recognized the members by reading their names.

Diana Susi thanked the City Commission for recognizing the entire panel of dynamite women representing the City. She recognized the late Carmen Granda for her hard work in the past, and announced that this date marks an anniversary of her passing.

Donna Zemo stated that she is privileged to serve.

9:51:10 a.m.

PA4 Certificates Of Appreciation To Be Presented To Parking Department Employees Guillermo Gonzalez And Julio Ledo.

(City Manager's Office)

ACTION: Certificates presented.

Jorge Gonzalez, City Manager, stated that these two individuals have recently made contributions worth noting and acknowledged their contributions, which had nothing to do with the Parking Department, but had a lot to do with his vision of what employees should be doing. He explained that employees are hired for a particular purpose in the organization but that as employees of the City of Miami Beach, they should always be aware of their environment, of what is happening throughout the community and be ambassadors and help out whether directly related to their job or not. He stated that these two individuals have gone above and beyond their specific roles, adding to the public safety of our community and added that it gives him comfort that City employees are so capable in this regard.

Saul Frances, Director of Parking Department, stated that it is an honor to recognized Guillermo Gonzalez and Julio Ledo and their actions on the morning of January 30th, 2004. On this morning they were in the area of St. Patrick's school and noticed an individual in a vehicle trying to lure children towards his vehicle. After noticing this, they warned some of the parents in the area. The individual tried to leave, but they were able to follow him and call the police. The police followed the individual and finally apprehended him, after verifying that he is a pedophile. All the schools have been notified.

9:55:06 a.m.

- PA5 Certificates Of Completion To Be Presented To Participants Of The City Of Miami Beach Community Emergency Response Team (CERT).
(Neighborhood Services)

ACTION: Certificates presented to Marta Luque, Maria J. Gomez-Montiel, Ana M. Hernandez, Roderick Brown, Corey Griggs, Israel Torres, Derek Hotls, Sergio Hicks, Nick Pietrocarlo, and Karen Quinn.

Jorge Gonzalez, City Manager, stated that this is the sixth class of the Citizens Emergency Response Team (CERT), which totals to more than 100 graduates in the community. This program works closely with the Police and Fire Departments making the citizens prepared to help at a moment's notice. The program is coordinated by Barbara Hawayek in the Neighborhood Services Department. He stated that there is another class scheduled for May and August 2004 and encouraged the citizens to call the Answer Center for more information. He congratulated them for their participation.

9:40:52 a.m.

- PA6 Certificate Of Appreciation To Be Presented To Rain Drop Day Care Center For Their Dedication In Providing Quality Childcare Services To Working Families.
(Requested by Commissioner Matti Herrera Bower)

ACTION: Certificate presented.

Commissioner Bower stated that this is a wonderful program that empowers the parents of children attending Feinberg/Fisher Elementary, and out of this program a business grew into a wonderful childcare center, and recognized Olga Figueras for being the force behind it.

Olga Figueras, Principal of Feinberg/Fisher Elementary School, thanked Commissioner Bower and the entire Commission for this honor. She stated that almost three years ago the center was about to close, and due to the help of many people, including the City Commission, Ada Llerandi, and Roberto Datorre, they were able to change that. This self-supporting center helps not only the low-income parents but also the teacher's kids at the school and some City employee's children.

Ada Llerandi stated that there is a great need for day care in Miami Beach and added that the Care Center is a great program.

9:57:30 a.m.

New Item:

- PA7 Proclamation To Be Presented to Miami Duck Tours For The Best Passengers Experience The Best A City Has To Offer On Both Land And Water In The Same One OF A Kind Amphibious Vehicle.
(Requested by Commissioner Cruz)

ACTION: Proclamation presented.

Michael Kosnitzky, from the Orange Bowl Committee, thanked the City Commission and introduced members Steve Macaralo and Phillip Rich, Coordinator of Executive Administration. He stated that they came to celebrate with the City of Miami Beach the great success of the 2004 Orange Bowl game and festivities, which could not have been achieved without the support of the City of Miami Beach. This event generated over \$100 million for South Florida with a rating of 9.8 or 15 million viewers. He explained that several of the events took place in Miami Beach and as a resident of Miami Beach he is happy to do as much as he can for this event. He presented the City Commission individually with a picture of this year's Orange Bowl game.

10:05:44 a.m.
New Item

Mayor Dermer announced he will be giving the State of the City address March 26, and also announced the Mayor's Charity Gala to benefit youth sports at the former Versace's mansion "Casa Casaurinas" on March 28, 2004.

CONSENT AGENDA

ACTION: Motion made by Commissioner Steinberg to approve the Consent Agenda; seconded by Commissioner Bower; Voice vote: 7-0.

C2 - Competitive Bid Reports

- C2A Request For Approval To Issue Purchase Orders Pursuant To Florida State Contract No. 03-11-0825, To Duval Ford, In The Amount Of \$232,522, For The Purchase Of Ten (10) 2004 Ford Crown Victoria Police Pursuit Vehicles And Three (3) 2004 Ford F-150 4x2 Pick Up Trucks; To Classic Chevrolet, In The Amount Of \$66,957.45, For The Purchase Of Three (3) 2004 Chevrolet Colorado 4x4 Crew Cab Up Trucks; To Garber Chevrolet, In The Amount Of \$12,561.15, For The Purchase Of One (1) 2004 Chevrolet Cavalier And To Atlantic Truck, In The Amount Of \$57,529, For The Purchase Of One (1) 2004 F-750 5 Cubic Yard Dump Body Truck.
(Fleet Management)

ACTION: Award approved. Drew Terpak to handle.

- C2B Request For Approval To Purchase, Pursuant To General Services Administration Contract No. GS-30F-1021D, From Nortrax Equipment Company, In The Amount Of \$57,470.54, One (1) 2004 John Deere 280 Skid Steer With Trailer.
(Fleet Management)

ACTION: Award approved. Drew Terpak to handle.

- C2C Request For Approval To Purchase, Pursuant To Florida State Contract No. 03-04-0828, From Ten-8 Fire Equipment, Inc., In The Amount Of \$431,355, Three (3) 2005 International 4300 LP Medtec Rescue Vehicles.

(Fleet Management)

ACTION: Award approved. Drew Terpak to handle.

- C2D Request For Approval To Purchase Two (2) 2004 GO-4 Model BT 57 Parking Enforcement Vehicles From Florida Electric & Gas Vehicles, In The Amount Of \$51,342, Pursuant To Section 2-367(d) Of The Miami Beach City Code.

(Fleet Management)

ACTION: Award approved. Drew Terpak to handle.

C4 - Commission Committee Assignments

Addendum Item:

- C4A Referral To The Neighborhood/Community Affairs Committee - Discussion Regarding A Bicycle Taxi Business Proposed By Easy Riders.

(Requested by Commissioner Simon Cruz)

ACTION: Referred. Vivian Guzman to place on the committee agenda. Saul Frances to handle.

C6 - Commission Committee Reports

- C6A Report Of The Neighborhood/Community Affairs Committee Meeting Of February 17, 2004: **1)** Discussion Regarding Proposed Amendments To The Existing Debarment And Lobbying Ordinances; **2)** Discussion Regarding The Transfer Of Beach Patrol From The Parks Department To The Fire Department; **3)** Discussion Regarding Potential Enhancements To The Pine Tree Bark Park; And **4)** Discussion Regarding An Ordinance Amending Miami Beach City Code Chapter 2, Article III "Agencies, Boards And Committees," Section 2-22(5) Thereof Establishing Term Limits Of Board And Committee Members, By Providing That Said Term Limits Should Not Include Time Served As A Result Of Having Filled A Vacancy; Providing For Repealer, Severability, Codification, And An Effective Date.

ACTION: Item withdrawn by the Administration.

- C6B Report Of The General Obligation Bond Oversight Committee Meeting Of March 1, 2004: **1)** Change Order Report; **2)** Presentation: a) Project Funding; **3)** Discussion Item: a) Venetian Causeway Planning Effort; **4)** Project Status Report: a) Fire Station No. 2; b) Fire Station No. 4; c) Normandy Isle Park And Pool; **5)** Informational Items: a) Updated Calendar Of Scheduled Community Meetings.

ACTION:

Item 1.

The Administration informed the Committee that no new change orders had been approved since the last meeting. A list of the change orders approved to date is attached as "Exhibit A".

Item 2.

The Administration made a presentation regarding those projects funded by the General Obligation Bond with scope that was currently unfunded. The Administration clarified that the projects included in the presentation may already be in construction, but that there may not have been enough money to fund the entire scope of the project, and that the elements that were not included in the construction were identified with the corresponding amount of money that would be needed to construct them.

For those projects that were not yet under construction, the presentation included those items that were desired by the community, but for which sufficient funding did not exist. These elements were more like "wish list" items. The Administration has taken the position that only the elements for which funding existed would be constructed.

Item 3.

The Administration presented an item regarding the Planning Effort for the Venetian Causeway improvements to be funded by the General Obligation Bond. Representatives from the staff and residents of the City of Miami Beach, the City of Miami, and Miami Dade County have been discussing how to approach the project, given the overlapping boundaries of the County, and the restrictions on the funding sources. It was agreed that the parties would seek consensus from the respective agencies regarding entering into an Interlocal Agreement to obtain planning services for the project. The City of Miami Beach would contribute funding for the planning of the project. It was also made clear that the funding from the City of Miami Beach can also be used to construct the appropriate above ground improvements within the City's boundaries. The Committee expressed its interest in having the City Commission enter into the Interlocal Agreement with the City of Miami and Miami Dade County for the planning services, and contributing the City's proportionate share towards the cost.

Item 4(a).

The Administration informed the Committee that construction was proceeding on schedule for Phase I of the **Fire Station No. 2** project (water tanks portion). The water tanks were being cleaned on the inside, and the contractor was awaiting electric service to the site so the pumps could be used to fill the tanks. The construction of the Fire Station portion of the project would begin after the completion of Phase I.

Item 4(b).

The Committee was told that the permits review for the **Fire Station No. 4** project has been completed. The City was waiting for the Department of Environmental Resource Management (DERM) to sign off on its permit for the project, which should be within the next 30 days. Once a permit is issued, the project will be put out to bid for construction. The Administration hopes to have the project out for bids in March of 2004, with construction to start in May or June.

Item 4(c).

The Administration informed the Committee that the compliance issues for the **Normandy Isle Park and Pool** project have been addressed, and the design issues were also resolved. Work is again proceeding. The Administration is negotiating the removal of the Park portion of the project from the Contractor's scope. A new schedule for completion is in progress by the Contractor for submittal to the City.

Item 5(a).

The updated calendar of community meetings was presented to the Committee, but not reviewed during the meeting.

- C6C Report Of The Land Use And Development Committee Meeting Of March 8, 2004: **1)** Selection Of Vice-Chairperson Per Resolution No. 2003-25446; And **2)** Discussion On Lincoln Road Street End Project.

ACTION:**Item 1.**

Commissioner Gross elected as Vice-Chair of the Land Use and Development Committee.

Item 2.

Mr. Russell Galbut presented a revised proposal that does not require any increase in floor area. The Committee asked that Mr. Galbut obtain approval from the Decoplage Condominium Association on the revised proposal. Furthermore, he should bring back to the Committee more detailed plans, including cross sections to better understand the nature of the project. The Committee asked that Mr. Galbut return at the April meeting to present an update on the proposal.

C7 - Resolutions

- C7A A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 2 To The Agreement With A.R.I. Architects, Inc. (d.b.a. Sklarchitecture), In The Amount Of \$93,072, For Additional Construction Administration Services For The Miami Beach Convention Center (Convention Center) And The Jackie Gleason Theater Of The Performing Arts (TOPA) ADA Renovations.

(Capital Improvement Projects)

ACTION: Resolution No. 2004-25511 adopted. Tim Hemstreet to handle.

- C7B A Resolution Authorizing The Mayor And City Clerk To Grant A Non-Exclusive Easement To Florida Power And Light Corporation For The Provision Of Underground Distribution Facilities And A Transformer Pad At The Public Works Yard, Located At 451 Dade Boulevard; Further Authorizing The Mayor And City Clerk To Execute This Easement For The Required Underground Facilities And Transformer Pad.

(Capital Improvement Projects)

ACTION: Resolution No. 2004-25512 adopted. Tim Hemstreet to handle.

- C7C A Resolution Authorizing The Mayor And City Clerk To Execute The Attached State Housing Initiatives Partnership (SHIP) Program Agreement Between The City And The Miami Beach Community Development Corporation (MBCDC), Providing \$565,134 In SHIP Program Funds From Fiscal Year 2002/03 To Continue A Scattered-Site Home Ownership Program For Income-Eligible Home Buyers, In Accordance With The SHIP Program Rule And The City's Local Housing Assistance Plan; Further Approving And Adopting An Amendment To The City's Local Housing Assistance Plan Updating The Maximum Purchase Price And Assistance Limits, In The Amounts Set Forth In This Resolution, In Accordance With The SHIP Program Rule, For Submission To The Florida Housing Finance Corporation.

(Neighborhood Services)

ACTION: Resolution No. 2004-25513 adopted. Vivian Guzman to handle.

- C7D A Resolution Authorizing The Administration To Accept And Appropriate Funds In The Amount Of \$5,000, From The Miami-Dade County Homeless Trust For The Provision Of Emergency Hotel Placements And Food For Homeless Families When Traditional Shelter Beds Are Unavailable.

(Neighborhood Services)

ACTION: Resolution No. 2004-25514 adopted. Patricia Walker to appropriate the funds. Vivian Guzman to handle.

- C7E A Resolution Approving The Sole Source Purchase Of 304T Topdressing Sand As Used In The Initial Construction Of The Greens And Tees At The Miami Beach Golf Club From Golf Agronomics In The Estimated Annual Amount Of \$43,000.

(Parks & Recreation)

ACTION: Resolution No. 2004-25515 adopted. Kevin Smith to handle.

SUPPLEMENTAL MATERIAL – (Resolution)

- C7F A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Second Amendment To The Interim Management Agreement With Professional Course Management II, LTD. To Provide Professional Services For The Management Of The City's Normandy Shores Golf Course; Said Amendment Providing For An Extension Of The Term Of The Agreement From April 30, 2004 As Previously Amended To April 30, 2005, At Which Time The City Intends To Close The Normandy Shores Golf Course For Reconstruction.

(Parks & Recreation)

ACTION: Resolution No. 2004-25516 adopted. Kevin Smith to handle.

- C7G Conditional Uses In The MXE, Mixed Use Entertainment District
A Resolution Setting A Public Hearing To Consider An Amendment To The Code Of The City Of Miami Beach, By Amending The Land Development Regulations Of The City Code, Chapter 142, "Zoning Districts And Regulations"; Division 13, "MXE, Mixed Use Entertainment District," Section 142-542, "Conditional Uses," To Include Public And Private Cultural Institutions Open To The Public, And Banquet Facilities As Conditional Uses In This Zoning District.
(Planning Department)

ACTION: Resolution No. 2004-25517 adopted. First Reading Public Hearing scheduled for April 14, 2004. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

- C7H Eliminating Dance Halls & Entertainment Establishments In Certain Districts
A Resolution Setting A Public Hearing To Consider An Amendment To The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations", Division 5, CD-2 Commercial, Medium Intensity District, Section 142-302, "Main Permitted Uses"; Division 11, I-1 Light Industrial District, Section 142-485, "Prohibited Uses"; And Division 18, "PS Performance Standard District," Section 142-693 "Permitted Uses", By Eliminating Dance Halls And Entertainment Establishments (Also Operating As Alcoholic Beverage Establishments And Restaurants With Full Kitchens And Serving Full Meals) As Permitted Uses In Certain Areas Of The CD-2 Commercial, Medium Intensity District, The I-1 Light Industrial District, And The PS Performance Standard District.
(Planning Department)

ACTION: Resolution No. 2004-25518 adopted. First Reading Public Hearing scheduled for April 14, 2004. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

10:13:28 a.m.

- C7I A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Second Amendment To Professional Services Agreement With HDR Engineering, Inc., In An Amount Not To Exceed \$31,632; The Amendment Would Allow HDR To Integrate Present And Future Transit Requirements With Planning And Design For A New World Symphony Facility And The Potamkin Site Project; And Provide An Implementation Strategy For A Miami Beach Intermodal Center Which Allows The City To Utilize Already-Earmarked Federal Funding, To Construct The Transit Component At The Potamkin Site; And Further Appropriating \$31,632 In Transit Surtax Program Funds For The Purpose.
(Public Works)

ACTION: Item separated for discussion by Mayor Dermer. Item deferred. Motion made by Commissioner Smith to defer the item until the issue of Berkowitz parking lot component is decided; seconded by Commissioner Bower; Voice vote: 7-0.

Mayor Dermer stated that this item amends a contract with HRD Engineering and he does not feel comfortable voting for this item because he does not support tracks on Miami Beach or the consultants who recommended tracks.

Jorge Gonzalez, City Manager, stated that this is the second amendment to the contract with HDR, who are the consultants hired to advise the City during the Bay Link project. The City does not have in-house transit expertise and HDR is the City's transit advisors. He explained that there are two pending projects requiring transit integration. Transit is being used in the broadest sense such as

pedestrian transit and vehicle access. The two projects are the Alton and Fifth Street project, Potamkin Berkowitz development, and the New World Symphony. The Administration wants to make sure that as the project designs are developed, that the impact of transit on the sites are taken into consideration to maximize the transit mobility.

Commissioner Smith stated that he does not have much confidence with regards to the Bay Link project and acquiring Federal money. He stated that his concern is that this item is premature because there are issues that need to be addressed with both the Potamkin properties and the New World Symphony project. He suggested that this item be deferred until the issues are addressed.

Jorge Gonzalez, City Manager, explained that this issue is not premature, particularly when the Administration is actively engaged in discussions with the FTA regarding the Alton and Fifth Street project to make sure they will appropriate the dollars that have been earmarked for the project. One of the key elements the FTA is requiring is that the project be designed as a true inter-modal. This is not a study but an active participation between the developer and the design. The participation for the Alton and Fifth is needed now.

Vice-Mayor Gross stated that the estimate from Miami-Dade County for the Bay Link project is over ten years away. The New World Symphony (NWS) project is probably not ready for this study and asked when the NWS will be reporting back with a Concept Plan.

Jorge Gonzalez, City Manager, informed the City Commission that he is preparing an LTC on the New World Symphony Concept Plan and traffic analysis. **Christina Cuervo to handle.**

Vice-Mayor Gross asked if HDR's participation is necessary if a deal cannot be made for public parking on the Alton and Fifth project.

Jorge Gonzalez, City Manager, stated that it behooves the City to influence the design to meet the City's transit and pedestrian needs.

Commissioner Smith moved to defer the item until the issue of Berkowitz parking lot component is decided.

- C7J A Resolution Approving And Authorizing The Placement Of Twenty-Five (25) Banners For The Red Bull Flugtag, To Be Held Saturday, April 24, 2004, At Bayfront Park, In The City Of Miami, As Requested By The Applicant, AAA Flag And Banner, At The Following City Of Miami Beach Locations: Fourteen (14) On Collins Avenue Between 5 To 23 Streets; Eleven (11) On Alton Road Between 5 To 17 Streets; Said Banners To Be Affixed To Light Poles In The Public Right-Of-Way, Measuring 3 Feet X 7 Feet And Having Copy And Design As Shown On The Attached Drawings; And To Be Installed And Removed In Accordance With All Other Applicable City Requirements; The Administration Further Recommends That These Banners Be Installed No Earlier Saturday, April 10 And Removed No Later Than Saturday, April 24, 2004
(Tourism & Cultural Development)

ACTION: Resolution No. 2004-25519 adopted. Max Sklar to handle.

- C7K A Resolution Authorizing The Administration To Appropriate Funds For The Purchase Of The Q-MATIC System From The Q-MATIC Corporation, As Owner Of The Copyrighted Software Code For Q-MATIC System, In The Amount Of \$72,753, Based On GSA Bid No. GS-07F-0017K, For Customer Flow / Queuing Management In The Building Department, Including Software, Hardware, Warranty, And Implementation Services And Training.
(Building Department)

ACTION: Resolution No. 2004-25520 adopted. Patricia Walker to appropriate funds. Phil Azan to handle.

- C7L A Resolution Adopting The Certificates Of The Results Of The March 9, 2004 Special Election For The City Of Miami Beach, And Declaring Results Thereof.
(City Attorney's Office)

ACTION: Resolution No. 2004-25521 adopted. R. Pacher to transmit the Charter and Related Special Acts resolutions to the Florida Secretary of State and Municipal Code Corporation. Once codified, a copy of the new City Charter will be sent to the Florida Secretary of State and Miami-Dade County.

3:38:09 p.m.

New Item:

Mayor Dermer thanked the City Commission, the Charter Review Board members, Stephen Zack, Victor Diaz, Ricky Arriola, Seymour Gelber, Abraham Laeser, Jonathan Beloff, and Larry Herrup, and from the Legal Department, Murray Dubbin, City Attorney and Jean Olin, Deputy City Attorney.

- C7M Resolution Approving The Replacement Of The Placement Agent In Connection With The Issuance By The City Of Miami Beach Health Facilities Authority Of City Of Miami Beach Health Facilities Authority Hospital Revenue Refunding Bonds, Series 2004 (Mount Sinai Medical Center Of Florida); And Providing An Effective Date.
(Finance Department)

ACTION: Resolution No. 2004-25522 adopted. Patricia Walker to handle.

- C7N A Resolution Authorizing The City Manager Or Designee, To Adopt And Implement A Disadvantaged Business Enterprise (DBE) Program Pursuant To Title 49 Code Of Federal Regulations (CFR) Part 26, For The Purchase Of Goods, Services And Equipment And Facilities Projects, Relative To Federal Transit Administration (FTA) Funds Only; Further Authorizing The City Manager Or Designee To Transmit The DBE Plan To The U.S. Department Of Transportation's Federal Transit Administration (FTA) For Approval.
(Public Works)

ACTION: Resolution No. 2004-25523 adopted. Gus Lopez and Fred Beckmann to handle and transmit the DBE plan to the U.S. Department of Transportation's Federal Transit Administration (FTA) for approval.

- C7O A Resolution Setting A Public Hearing To Consider Waiving By 5/7ths Vote, The Prohibition Of Tran Construction, Inc. From Continuing To Serve As A Vendor With The City Pursuant To Miami Beach City Code Section 2-487 (B)(4), Finding Such Waiver To Be In The Best Economic Interest Of The City, Regarding The Following Existing Contracts: 1) The Miami Beach Golf Course Clubhouse, Restroom Pavilions And Maintenance Yard Building; 2) The Design, Permitting And Construction Of Four New Restroom/Concession Facilities Within The Beachfront Parks Located At 21st, 46th, 53rd, And 64th Streets; And 3) The Job Order Contracting (JOC) Contract Relative To The Following Miami Beach Convention Center Projects: A) Chiller Replacement; B) Replacement Of Air Handlers; And C) Refurbishment Of 12 Air Handling Units.
(Procurement)

ACTION: Resolution No. 2004-25524 adopted. Public Hearing scheduled for April 14, 2004. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Gus Lopez to handle.

End of Consent Agenda

REGULAR AGENDA

R5 - Ordinances

6:31:24 p.m.

10:44:23 a.m.

- R5A An Ordinance Amending Chapter 6, "Alcoholic Beverages," Of The Code Of The City Of Miami Beach, Florida, By Amending Sections 6-40 And 6-41 "Total Nudity And Sexual Conduct Prohibited," And "Provisions Pertaining To Establishments Permitting Partial Or Total Nudity," To Allow Establishments Licensed As Alcoholic Beverage Establishments To Offer Partial And Total Nude Adult Entertainment; Providing For Codification, Repealer, Nonseverability, And An Effective Date.
10:30 a.m. Second Reading, Public Hearing.

(Planning Department)

(Continued from February 4, 2004)

ACTION: Public Hearing held. **Ordinance failed.** Motion made by Vice-Mayor Gross to deny the ordinance; seconded by Commissioner Bower; Ballot vote: 4-3; Opposed: Commissioners Cruz, Garcia, and Steinberg.

10:44:59 a.m.

Jane Gross spoke.

Diana Susi, representing the Commission on the Status of Women, spoke.

Bill Farkas, representing the Miami Design Preservation League (MDPL), spoke.

Frank Del Vecchio spoke.

Dr. Morris Sunshine spoke.

Pablo Perez, Attorney for the applicant, spoke.

Public Hearing Opened and Continued to 5:30 p.m.

6:32:29

Carl Slotnick spoke.

Helen Steinweck, retired teacher, spoke.

Olga Figueras, Principal of Fienberg/Fisher Elementary School, spoke.
Patricia Ramirez, parent, spoke in Spanish.
Stephanie Ramirez spoke.
Daniel Dodd read a letter from a citizen that was unable not stay.
Carmen Ojeda spoke.
Armando Vega spoke.
Timothy Sally, teacher at Feinberg/Fisher Elementary School, spoke.
Dr. Morris Sunshine spoke.
Erika Brigham spoke.
David Kelsey spoke.
Gary Hunt spoke.
Tony Guerra spoke.
Nahir Nhami spoke (MDPL).
Christina LaBuzzeta spoke.
Joseph Villari spoke.
Judy Clayton spoke.
Frank Del Vecchio spoke.
Pablo Perez, Attorney for the applicant, spoke.

Commissioner Smith stated that the issue of total nudity is a constitutionally protected right which the City can control, provided it shows a compelling governmental interest. He explained that it is his understanding that this is the standard used on these cases and if the City wanted to abolish Club Madonna, to make it illegal to operate, the City will have a hard time winning the case in court.

Gary Held, Assistant City Attorney, stated that the test would be whether there are other reasonable alternatives for people to enjoy that activity.

Commissioner Smith stated that his question is if the same standard would apply, and what criteria would apply to the decision that will be made today with respect to the sale of alcohol in an establishment that provides total nudity. What is the constitutional standard that the City would have to meet to make that decision and what criteria would have to be established in making that decision?

Gary Held, Assistant City Attorney, stated that the City would have to conclude that there is a community preference to ban the combination of alcohol and nude dancing; it is a completely different standard as to banning the nude dancing by itself. There is no constitutional right to enjoy alcohol while viewing nude dancing.

Commissioner Smith asked Gary Held if in his opinion there is evidence on the record to support the City's vote if the City was to deny the ordinance at this time.

Gary Held, Assistant City Attorney, said "yes."

Motion made by Vice-Mayor Gross to deny the ordinance; seconded by Commissioner Bower; Ballot vote: 4-3; Opposed: Commissioners Cruz, Garcia, and Steinberg.

Commissioner Cruz stated that he has a lot of respect for Jane Gross but he differs with her on this issue. He stated that he does not see this as an issue that is an overbearing problem for Miami Beach. He continued saying that this establishment has been there for many years. He stated that there is no data to demonstrate that there is increased prostitution or crime because of the existence of this establishment. He stated that prostitution follows conventions around and when we have these events such as the Boat Show, we see an increase in prostitution. The City has seen an increase in prostitution once the large hotels regained prominence and most of it is around Collins Avenue and not around Club Madonna. There are vagrants all along Washington Avenue from 6th to

16th Street. He stated that the only area that is clean of debris is on the east side of 16th Street, which is where Club Madonna is located. This establishment is managed professionally and the area is clean. In reference to the school, most of the problems do not evolve around Club Madonna. It is unfair to lay the entire problem on Club Madonna. He added that more illegal activity goes on at the other legal clubs. He added that the issues of proliferation and monopoly are the issues to be discussed and is decided by the City Commission on a case-by-case basis. In this case, he is in favor of granting this ordinance. He does not think that it will destroy the moral fiber, or bring down the economy of Miami Beach.

Commissioner Garcia stated that he does not see a big deal on this issue. There is more violence and nudity on television than you will ever see in Club Madonna.

Vice-Mayor Gross stated that the Planning Board voted 6-0 against it. MDPL is against it. The Commission on the Status of Women Committee is against it, and Fisher/Feinberg is against it. He asked who is in favor of it and what is the reason to pass this ordinance.

Mayor Dermer asked the City Manager for the Administration's recommendation.

Jorge Gonzalez, City Manager, recommends that the City Commission vote to deny the application. Even though it may be difficult to quantify the negative aspects that may be generated by this ordinance; there are very few positive benefits to the City resulting from this ordinance. He recommends that the City Commission not approve the ordinance and approve the motion to deny.

Mayor Dermer explained that he agrees with what has been said as far as blaming the problems of society on this establishment and does believe that Mr. Griffith has run a legal business. The evils of alcohol can be seen all over Washington Avenue. He stated that the City Commission may want to think about the proliferation of liquor licenses in Miami Beach. He stated that he takes to heart what the community and MDPL have stated, along with the Commission on the Status of Women Committee opposing it. He will follow the recommendation of the City Manager and the Planning Board. He stated that the City Manager has been very wise on this issue and has given it a lot of thought. For the most part, the City Manager has been a good and decent manager on matters. With this in mind, he will go with the City Manager's recommendation and the citizens' recommendation.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald
2. Letter to Mayor Dermer and Members of the City Commission, dated February 19, 2004, from Daniel Dodd, Community Organizer, People Acting for Community Together, P.A.C.T.
3. Memorandum from First Asst. City Attorney Gary Held to City Attorney Murray Dubbin and Jorge Gonzalez, City Manager, with case attached: Sammy's of Mobile, Ltd., v. City of Mobile, 140 F.3d 993 (11th Cir. 1998), r'hrq and r'hrq en banc denied, 156 F.3d 188, cert. denied, 120 S.Ct. 1553 (2000).
4. Memorandum from the Miami Beach Commission on the Status of Women
5. Email from Lorna Mejia, aide to Commission Bower, requesting the public hearing be opened and continued from 10.30 am until after 5 pm

10:57:24 a.m.

SUPPLEMENTAL MATERIAL – (Revised Ordinance)

R5B An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 118, "Administration And Review Procedures," Article II, "Boards," Division 5, "Board Of Adjustment," Section 118-131, "Membership," Amending The Membership Of The Board Of Adjustment To Conform To The Recently Adopted Charter Amendment Expanding The Board From Five To Seven Regular Voting Members And Removing Ex-Officio Members From The Board; And Section 118-136, "Powers And Duties," Amending The Voting Requirement To Approve Matters Coming Before The Board From 4/5 To 5/7; Providing For Repealer, Severability, Codification And An Effective Date.

10:45 p.m. Second Reading, Public Hearing.

(Planning Department)
(First Reading on February 25, 2004)

ACTION: Public Hearing held. **Ordinance Number 2004-3436 adopted as amended in the Supplemental Materials and further amended by Commissioner Smith.** Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Ballot vote: 6-0; Absent: Commissioner Cruz. R. Parcher to transmit to Municipal Code Corporation. R. Parcher to amend the Board and Committee information. Jorge Gomez to handle.

Amendment:

(see Supplemental Materials Ordinance) 118-131: "...The seven voting members shall consist of two citizens at large and five chosen from among the following categories (not more than one per category)....."

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald

11:19:20 a.m.

R5C An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Article IV, "Supplemental Yard Regulations," Division 4, "Allowable Encroachments," By Amending Section 142-1132 To Establish Revised Standards For The Installation Of Fences In Multi-Family Residential Districts; Providing For Repealer, Codification, Severability And An Effective Date. **11:00 a.m. Second Reading, Public Hearing.**

(Planning Department)
(First Reading on February 25, 2004)

ACTION: Public Hearing held. **Ordinance Number 2004-3437 adopted.** Motion made by Commissioner Bower, seconded by Commissioner Steinberg; Ballot vote: 6-0; Absent: Commissioner Cruz. R. Parcher to transmit to Municipal Code Corporation. Jorge Gomez to handle.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald

5:35:10 p.m.

R5D An Ordinance Amending The Land Development Regulations Of The Miami Beach City Code; Amending Section 118-593, "Historic Preservation Designation"; Amending Section 118-593(E), "Delineation On Zoning Map"; Amending Section 118-593(E)(2), "Historic Preservation Districts (HPD)" By Designating The North Beach Resort Historic District, Consisting Of A Certain Area Which Is Generally Bounded By The Southern Lot Lines Of 6084 Collins Avenue, 6261 Collins Avenue, And 210-63rd Street To The South, The Center Line Of 71st Street To The North, The Center Line Of Collins Avenue And The Western Lot Lines Of Certain Properties Fronting On Collins Avenue To The West (Including 6084 Collins Avenue And 6300 Collins Avenue), And The Erosion Control Line Of The Atlantic Ocean To The East (Excluding 6605 Collins Avenue), As More Particularly Described Herein; Providing That The City's Zoning Map Shall Be Amended To Include The North Beach Resort Historic District; Adopting The Designation Report Attached Hereto As Appendix "A"; Providing For Inclusion In The Land Development Regulations Of The City Code, Repealer, Severability, And An Effective Date. **5:01 p.m. Second Reading, Public Hearing.**

(Planning Department)

(Continued from February 25, 2004)

ACTION: Public Hearing held. **Ordinance Number 2004-3438 adopted.** Motion made by Commissioner Steinberg, seconded by Commissioner Bower; Ballot vote: 6-1; Opposed: Commissioner Garcia. R. Parcher to transmit to Municipal Code Corporation. Jorge Gomez to handle.

Titles of R5D and R5E read together and the public hearing held together.

Don Worth spoke

Minette Benson spoke

Barry Klein spoke.

Jerry Libbin spoke.

Carter McDowell, from the Law Offices of Bilzin, Sumberg, et al, spoke.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald
2. Color Booklet titled: North Beach Resort Historic District Designation Report
3. Article Miami Herald Neighbors Section, Thursday, January 22, 2004 titled, "Saving MiMo-style hotels"
4. Article Miami Herald Neighbors Section, February 1, 2004 titled, "1951 hotel will turn into luxury condos"
5. Article The Miami Herald, Sunday, April 24, 2002, submitted by Minette Benson.
6. Post card showing the Sherry Frontenac hotel and an article from the Financial Times (Travel Miami) dated March 13/March 14, 2004 titled, "Too much is never enough"
7. Color photos titled: "examples of rooftop additions in Miami Beach's Historic Districts"

5:36:29 p.m.

R5E An Ordinance Amending The Land Development Regulations Of The Miami Beach City Code; Amending Chapter 142, "Zoning Districts And Regulations"; Amending Section 142-1161, "Height Regulation Exceptions"; Amending Section 142-1161(D), "Rooftop Additions" By Modifying The Prohibition Of Rooftop Additions Of More Than One Story In The North Beach Resort Historic District; Providing For Codification, Repealer, Severability, And An Effective Date. **5:02 p.m. Second Reading, Public Hearing.**

(Planning Department)
(First Reading on February 25, 2004)

ACTION: Public Hearing held. **Ordinance Number 2004-3439 adopted and referred to the Land Use and Development Committee the issue of how to deal with the parking in the district.** Motion made by Commissioner Steinberg; seconded by Commissioner Cruz; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code Corporation. Jorge Gomez to handle. Jorge Gomez to place on the Committee Agenda. Jorge Gomez and Saul Frances to handle.

Motion made by Commissioner Steinberg to refer to the Land Use and Development Committee the issue of how to deal with the parking in the district; seconded by Vice-Mayor Gross; Voice vote: 7-0.

Motion made by Commissioner Garcia that any future expansion to the historic district in North Beach goes to referendum. No second offered.

Jorge Gomez, Planning Director, thanked William Cary, Shannon Anderton, and Carolyn Klepser.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald

See additional handouts under Agenda item R5D

2:44:48 p.m.**11:56:19 a.m.**

R5F Signs For Vertical Retail Centers

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 138, Entitled "Signs," By Amending Article VI, Entitled "Specific Use Signs," By Creating Section 138-205 To Establish Regulations And Criteria For Signs For Vertical Retail Centers; Providing For Inclusion In The City Code; Providing For Repealer, Severability And An Effective Date. **First Reading**

(Planning Department)

ACTION: Ordinance approved on First Reading as amended. Motion made by Commissioner Bower; seconded by Commissioner Steinberg; Ballot vote: 6-0; Absent: Commissioner Cruz. Second Reading and Public Hearing scheduled for April 14, 2004. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

Amendments:

1. Title of the ordinance change "Commision" to "Commission".
2. The 5% sign area is not limited to one area, but may be spread out throughout the façade of the building; and
3. The Commission will consider the addition of a building identification sign, as requested by the applicant, subject to the review of the joint DRB, HPB, at second reading.

Vice-Mayor Gross suggested the Planning Department bring some graphics to understand the impact of the ordinance better.

Wayne Pathman, Esq. spoke.

Jeff Berkowitz gave a presentation.

Tom Graboski, Tom Graboski Associates, Inc. spoke.

Handouts or Reference Materials

1. Fax from Eugene (Gene) J. Howard, Esq. to Mayor and City Commission, dated March 17, 2004, RE: Alton and 5th Street

R7 - Resolutions

2:43:49 p.m.

R7A A Resolution Approving On First Reading/Public Hearing, In Accordance With The Requirements Of Sections 163.3220 - 163.3243, Florida Statutes, Also Referred To As The Florida Local Government Development Agreement Act; A Proposed Development Agreement Between The City Of Miami Beach And AR&J Sobe, LLC (a/k/a Potamkin/Berkowitz) For The Development Of The Project, Presently Referred To As "5th And Alton", Containing Approximately 179,000 Square Feet Of Retail Area And A Supermarket And An Approximate 943 Space Parking Garage Facility, Including An Intermodal/ Transportation Component, An Integrated Parking Garage, Vertical Transportation, Ramps, Ventilation, Etc., And Surrounding Streetscape And Public Infrastructure To Serve The Project, Bounded By Lenox Avenue On East, Alton Road On West, 6th Street On North And 5th Street On The South, In Miami Beach And Setting The Second Public Hearing. **2:00 p.m. First Public Hearing.**

(City Manager's Office)

ACTION: Motion made by Commissioner Bower to open and continue the Public Hearing to April 14, 2004 at 2:00 p.m.; seconded by Commissioner Smith ; Voice vote: 5-0; Absent: Commissioners Cruz and Garcia. Lilia Cardillo to place on the Commission Agenda. Christina Cuervo to handle.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald

10:59:46 a.m.

R7B A Resolution To Ratify A Three Year Labor Agreement Between The City Of Miami Beach And The International Association Of Firefighters, For The Period From October 1, 2003 Through September 30, 2006, And Authorize The Mayor And City Clerk To Execute The Agreement.
(Labor Relations)

ACTION: Resolution No. 2004-25525 adopted. Motion made by Commissioner Garcia; seconded by Commissioner Smith; Voice vote: 5-0; Absent: Commissioners Bower and Cruz. Linda Gonzalez to handle.

Jorge Gonzalez, City Manager, outlined the terms of the labor agreement.

Commissioner Garcia stated that this agreement was accomplished in record time.

City Clerk's Note: See action in R7C

11:04:04 a.m.

R7C A Resolution To Ratify A Three Year Labor Agreement Between The City Of Miami Beach And The Fraternal Order Of Police, For The Period From October 1, 2003 Through September 30, 2006, And Authorize The Mayor And City Clerk To Execute The Agreement.
(Labor Relations)

ACTION: Resolution No. 2004-25526 adopted. Motion made by Commissioner Smith; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Commissioner Cruz. Linda Gonzalez to handle.

Jorge Gonzalez, City Manager, outlined the terms of the labor agreement and explained the amendments made. He added that a reciprocal "me too" clause would go towards issues that are parallel and concurrent, such as the cost of living adjustment, Pension issues which have re-openers, health insurance if adjustments are needed in the future, and the re-opener for uniform cleaning allowances, to keep them in the same level playing field with both IAFF and Police agreements.

Mayor Dermer recognized Bobby Jenkins, FOP President and thanked him for his efforts.

Jorge Gonzalez, City Manager, introduced the bargaining committee members; Linda Gonzalez, Labor Relations Division Director, Michael Reyes, Labor Relations Technician, Mayra Diaz Buttacavoli, Human Resources Director, Fire Chief Floyd Jordan, Police Chief DeLucca, and Assistant Fire Chiefs Ed Del Favero and Eric Yuhr, Assistant Police Chiefs Ray Martinez and Tony Marten, and the Budget Advisory Committee members. He stated that a lot of research was done up front and it was a very amicable bargaining process. He commended Bobby Jenkins and his team and Dave Noel and his team for keeping focused on the issues.

Deede Weithorn, Chairperson, Budget Advisory Committee (BAC), spoke. She introduced BAC members Marc Gidney and Eugene Woodard.

Mayor Dermer thanked the BAC for all of their hard work and commitment.

Commissioner Smith stated that the BAC's work is not finished. The City is starting the budget process and it is great to have people of their caliber helping the City. He added that Wall Street is noticing Miami Beach very carefully when bonds are rated and stated that almost every municipality in South Florida is having labor problems, but Miami Beach has been able to work out the problems in a very healthy and fair manner with their invaluable advice.

Commissioner Steinberg echoed Commissioner Smith's comments and stated that the BAC is a very qualified board. He also commended Deede Weithorn for her participation and her continued cooperation in the budget cycle.

City Clerk's Note: See action in R7B

3:15:55 p.m.

SUPPLEMENTAL MATERIAL – (Memorandum, Resolutions and Agreements)

R7D Concession Agreements With The Market Company, Inc.

1. A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Concession Agreement By And Between The City Of Miami Beach And The Market Company, Inc., For The Management And Operation Of A Street Market In That Portion Of The Espanola Way Public Right-Of-Way, Between Washington Avenue And Drexel Avenue; Said Agreement Having An Initial Term Of One (1) Year, Commencing On April 1, 2004, And Expiring On March 31, 2005, With An Option To Renew, At The City's Sole Discretion, For An Additional One Year Term, Subject To The Terms Provided In The Agreement.

ACTION: Resolution No. 2004-25527 adopted. Concession Agreement amended.

Motion made by Commissioner Bower to approve all three resolutions, as a compromise, with the understanding that the Administration will go to the Lincoln Road Association and see if they are in agreement with the inclusion of the area between Washington Avenue and Drexel Avenue; seconded by Commissioner Garcia; Voice vote: 6-0; Absent: Commissioner Cruz. Joe Damien to handle.

2. A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Concession Agreement By And Between The City Of Miami Beach And The Market Company, Inc., For The Management And Operation Of A Green Market In That Portion Of The Lincoln Road Public Right-Of-Way, Between Drexel Avenue And Lenox Avenue; Said Agreement Having An Initial Term Of One (1) Year, Commencing On April 1, 2004, And Expiring On March 31, 2005, With An Option To Renew, At The City's Sole Discretion, For An Additional One Year Term, Subject To The Terms Provided In The Agreement.

ACTION: Resolution No. 2004-25528 adopted. Concession Agreement amended.

Motion made by Commissioner Bower to approve all three resolutions, as a compromise, with the understanding that the Administration will go to the Lincoln Road Association and see if they are in agreement with the inclusion of the area between Washington Avenue and Drexel Avenue; seconded by Commissioner Garcia; Voice vote: 6-0; Absent: Commissioner Cruz. Joe Damien to handle.

3. A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Concession Agreement By And Between The City Of Miami Beach And The Market Company, Inc., For The Management And Operation Of A Street Market In That Portion Of The Rue Vendome Public Right-Of-Way, Between 71st Street And Normandy Drive; Said Agreement Having An Initial Term Of One (1) Year, Commencing On April 1, 2004, And Expiring On March 31, 2005, With An Option To Renew, At The City's Sole Discretion, For An Additional One Year Term, Subject To The Terms Provided In The Agreement.

(Economic Development)

(Memorandum and Resolutions to be Submitted in Supplemental)

ACTION: Resolution No. 2004-25529 adopted. Concession Agreement amended.

Motion made by Commissioner Bower to approve all three resolutions, as a compromise, with the understanding that the Administration will go to the Lincoln Road Association and see if they are in agreement with the inclusion of the area between Washington Avenue and Drexel Avenue; seconded by Commissioner Garcia; Voice vote: 6-0; Absent: Commissioner Cruz. Joe Damien to handle.

Amendments to the Concession Agreements for Espanola Way, Lincoln Road and Normandy Isle

Subsections 3.2.4 and 3.2.5, in the Normandy Isle Agreement, shall be amended as follows:

3.2.4 Live Entertainment:

3.2.4.1 Any live entertainment that is provided by Concessionaire shall be limited to: solo, duo and/or trio performers, unless otherwise approved, in writing, by the City Manager or his designee.

3.2.4.2 For purposes of this Agreement, the term "performers" shall include individuals who provide live entertainment by means of musical instruments, singing, dancing, theatrical and dramatic interpretation, mimes, etc. Notwithstanding, the foregoing, Concessionaire must comply with City and Miami-Dade County Noise Ordinance(s), and any other applicable regulation, at all times.

3.2.5 In the event that the City Manager or his designee determines, at his sole option and discretion, that all or a portion of Concessionaire's proposed uses, pursuant to Subsection 3.1 and as defined in Section 3.2, are no longer desired, then the City may revoke Concessionaire's right to provide all or a portion of said uses, without cause, upon thirty (30) days written notice to Concessionaire. Any percentage of gross paid by Concessionaire (pursuant to Subsections 4.2 and 4.3) to City with regard to a delete/discontinued use, shall be prorated and/or adjusted accordingly as of the date of termination of said use, and no further payment shall be required for same during the term of this Agreement, unless the City reinstates the use, at which time the payment provisions of Subsections 4.2 and 4.3 shall once again apply.

Language in Subsection 13.6.3, in all three agreements, shall be amended as follows:

13.6.3 In the event of termination or partial termination by City of the Agreement pursuant to this Subsection, Concessionaire herein acknowledges and agrees that it shall not have any claim, demand, or cause of action of whatsoever kind or nature, against the City, its agents, servants and employees (including, but not limited to, claims for interference in business or damages for interruption of services or interference in its concession operations by Concessionaire or its vendors). However, if it is determined, via a contract year end-review, that a termination or partial termination results in a substantial decrease to the estimated gross revenues derived by the Concessionaire, then Concessionaire's MG amount due to the City, pursuant to Section 4.3, shall be reduced proportionately equal to the percentage of Concession Area that was terminated or partially terminated and for the period of time of said partial termination.

Section 18, in all three Agreements, shall be amended as follows:

SECTION 18. PRICE SCHEDULES.

Intentionally Omitted.

Concessionaire agrees that prices charged for facilities and or space (booth) rental, be consistent with the price schedule(s) herein submitted by the Concessionaire, approved by the City, and incorporated herein as Exhibit 3.1 to this Agreement. All subsequent price increases and amendments to Exhibit 3.1 must be approved in writing by the City Manager,

or his designee, and prior to such changes being implemented within the Concession Area a new updated Exhibit 3.1 will be incorporated into this Agreement. Notwithstanding the foregoing, Concessionaire agrees and acknowledges that any discounted prices it may offer for the rental of facilities shall not in any way reduce the amount of remuneration due to the City, including but not limited to the Percentage of Gross (Section 4.2), which shall be based and calculated on the prices set forth in said Exhibit 3.1

The City shall have the final right of approval for all such prices and changes, but said right shall not be arbitrarily or unreasonably exercised. The Concessionaire agrees to refrain from the sale or rental of any item identified as prohibited by City law and/or other applicable law and to sell only those items approved by the City.

End of Amendments

Presentation given by Joe Damien, Asset Management.

Claire Tomlin, The Market Company Inc. representative, spoke.

Vice-Mayor Gross asked about the parking in the cul-de-sac. He asked Ms. Tomlin if she had any objection to putting the parking meters back in the cul-de-sac.

Christina Cuervo, Assistant City Manager, stated that there has been discussion about putting the meters back, not necessarily in the cul-de-sac, but where the pavers are. The Administration told the community that the City did not want to ruin the pavers by installing meters and would wait until the City acquired the pay stations. However, because there are so many issues about parking in the area, double-head meters could be installed, but the Administration wants to speak with the community before this is done.

Commissioner Steinberg stated that the complaints he has received are related to the lack of parking enforcement. **Saul Frances to handle.**

Joe Damien, Asset Management, recommended that the Commission get consent from the Antiques and Collectible vendors, since they have already responded to the RFP and it has been awarded.

Commissioner Bower stated that she has a problem with the Lincoln Road area because of the area is being extended.

Christina Cuervo, Assistant City Manager, stated that the area between Washington Avenue and Drexel Avenue on Lincoln Road was not left out accidentally. The decision was based on the input from the Lincoln Road Association.

Motion made by Commissioner Bower to approve all three resolutions, as a compromise, with the understanding that the Administration will go to the Lincoln Road Association and see if they are in agreement with the inclusion of the area between Washington Avenue and Drexel Avenue; seconded by Commissioner Garcia; Voice vote: 6-0; Absent: Commissioner Cruz. Joe Damien to handle.

3:54:00 p.m.

Francine Liebman, owner of South Beach Makeup, a merchant on Espanola Way, stated that when the street was closed, it was mandatory to have a police officer on duty and they managed to pay an off-duty police officer for three years. She stated that it is outrageous that the City Commission is making all these concessions when there is such traffic congestion on Drexel Avenue, all day long. As a business owner, she is infuriated that the City is closing the street on Friday nights at 5:00 p.m. for people to load and unload, and asked if it is fair to inconvenience everyone for only five vendors on the street on Friday nights.

Handout and Reference Materials

1. Amendments to the Espanola Way, Lincoln Road and Normandy Isle Market Agreements submitted by Joe Damien, Asset Management
2. Email from mr plaza (espanolawaydrexel@yahoo.com) to different members of the Administration, Commissioner aides, dated March 13, 2004, RE: Railroad job by the city commission and administration
3. Email from mr plaza (espanolawaydrexel@yahoo.com) to different members of the Administration, Commissioner aides, dated March 21, 2004, RE: Axis of Evil

12:08:49 p.m.

Addendum Item:

R7E A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Perpetual Easement Interest With The Florida Department Of Transportation (FDOT) On Two Separate Strips Of Land Along The East Side Of Brittany Bay Park, Containing 1578 Square Feet, A Legal Description Of Which Being Attached Hereto And Made Part Of This Resolution. Said Easement Will Widen The Indian Creek Drive Cross-Section Enough To Allow For The Construction Of A Triple-Left Intersection, As Part Of FDOT's At-Grade Project At 63rd Street/Indian Creek Drive. FDOT Agrees To Restore To Substantially The Same Condition Which Existed Immediately Prior To Such Work, At Its Sole Cost And Responsibility, Any And All Affected City Infrastructure Within The Easement Area, Including But Not Limited To Utility Lines, Sidewalk And Landscaping; And Further That The Easement Will Become Null And Void If The Project Is Not Under Construction Before The Year 2007, And The Rights Conveyed By The City Revert Back To The City.
(Public Works)

ACTION: Motion made by Commissioner Steinberg to defer to the April 14, 2004 City Commission meeting and to include the latest report on the flyover for discussion; seconded by Vice-Mayor Gross; Voice vote: 5-0; Absent: Commissioners Bower and Cruz. Fred Beckmann to handle.

Commissioner Smith asked why this is not subject to the Charter Amendment.

Murray Dubbin, City Attorney, stated that the easement is a piece of park property and this is a very complicated question. The Legal Department has done some research and has concluded that the grant of an easement is not an equivalent to an interest in land that falls within the purview of the requirement for referendum before we can give the property. The easement is not such a conveyance of an interest that would require a referendum.

Commissioner Garcia raised concern about the pump station location, aesthetics and distance between the road and the pump station.

Vice-Mayor Gross stated that there have been dozens of meetings regarding the flyover but never a hearing to discuss the results of the current report (see September 10, 2003 – C7H) and since this item was not noticed in the agenda, the public may get the wrong impression that the City Commission is trying to sneak the 63rd Street flyover project.

Commissioner Steinberg agreed and stated that so that the public does not think the Commission is trying to do something without public notice, this item should be re-noticed, but for the record, as Robert Middaugh, Assistant City Manager, stated, the easement being requested is to allow for the center median. This easement would give enough space for a safe zone in the center median for pedestrian to stop before crossing.

Handout or Reference Materials

1. Copy of the Resolution

R9 - New Business and Commission Requests

R9A Board and Committee Appointments.
(City Clerk's Office)

ACTION:**Beach Preservation Board:**

Claire Callen	Term expires 12/31/05	Appointed by Commissioner Garcia TL12/10
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Community Relations Board:

Aileen Ochoa	Term expires 12/31/05	Appointed by Jorge M. Gonzalez TL 12/11
Valerie Taylor	Term expires 12/31/04	Appointed by Jorge M. Gonzalez TL 12/11

Fine Arts Board:

Grace Sherman	Term expires 12/31/04	Appointed by Commissioner Gross TL 12/11
Chris Ingalls	Term expires 12/31/05	Appointed by Commissioner Gross TL 12/11

Loan Review Committee

James Gleason	Term expires 12/31/05	Appointed by Mayor Dermer TL 12/09
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Miami Beach Florida Sister Cities:

Dr. David Lehrman	Term expires 12/31/05	At-Large	Appointed by Mayor Dermer TL 12/10
Roberto DaTorre	Term expires 12/31/05	Almonte, Spain	Appointed by Mayor Dermer TL 12/08
John Gale	Term expires 12/31/05	Pescara, Italy	Appointed by Mayor Dermer TL 12/08
Daniela Linden-Retkova	Term expires 12/31/05	Cesky, Krumlov	Appointed by Mayor Dermer TL 12/08
Bruce Singer	Term expires 12/31/05	Cesky, Krumlov	Appointed by Mayor Dermer TL 12/08
(He is moving from Fujisawa/Japan)			
Armando Hernandez	Term expires 12/31/05	Cozumel, Mexico	Appointed by Mayor Dermer TL 12/08

Police Citizens Relations Board:

Claire Warren	Term expires 12/31/05	Appointed by Commissioner Bower TL12/08
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Production Industry Council:

Christina LaBuzetta	Term expires 12/31/05	Appointed by Commissioner Bower TL 12/11
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Safety Committee:

Samantha Bratter	Term expires 12/31/05	Appointed by Commissioner Steinberg TL 12/11
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Transportation and Parking Committee:

Maria Saboya	Term expires 12/31/04	Appointed by Commissioner Bower TL12/11
Erika Brigham	Representative from the Miami Design Preservation League (MDPL)	

12:07:32 p.m.

R9A1 Appointment To The General Obligation Bond Oversight Committee.
(City Clerk's Office)

ACTION: Motion made by Commissioner Steinberg to appoint Steven Kozlowski as the Parking and Transportation Committee appointment to the General Obligation Oversight Committee; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Commissioner Cruz. R. Parcher to update the Board and Committee report. Tim Hemstreet to handle.

Handouts or Reference Materials

1. Letter from Steve Nostrand, Chair, Transportation & Parking Committee, designating Steven Kozlowski as the Transportation & Parking Committee's representative to the Committee

R9A2 Appointment to the Visitors and Convention Administration.

ACTION: Continue to the April 14 Commission Agenda. Lilia Cardillo to place on the agenda.

Handouts or Reference Materials

1. Letter from Grisette Roque Marcos, Executive Director, Miami Beach VCA, dated March 2, 2004 recommending the appointment of Mr. Diego Lowenstein, CFO of the new Ritz Carlton South Beach

2:36:09 p.m.

R9B(1) Dr. Stanley Sutnick Citizen's Forum. (1:30 p.m.)

ACTION: Discussion held.

Gil Zriny stated that item R5C was approved today and it was in order to assure compatibility of the existing streetscape and sidewalks. In a recent Commission meeting, the streetscape in South Pointe was discussed. He stated that the City Commission had taken a plan that came from the South Pointed Advisory Board and rejected that plan. The City hired a new designer, everyone did a wonderful job, they came up with a much better plan, and then the City Commission decided to go back to the original plan. This plan was for traffic calming and pedestrian friendly measures. He explained that the streetscape on 3rd Street has problems. On 3rd Street and Washington Avenue by the plaza, the bulwarks are knocked over by the bus turning there. There are tripping hazards and it is dangerous walking and driving down that street. He stated that at the last community meeting everyone was complaining as to how dangerous it is to cross the street on 3rd Street and Washington Avenue. He stated that Vice-Mayor Gross stated that concrete will be easier to maintain, he has concrete in front of his property on Washington Avenue and every morning it is full of trash. He suggested that maintaining the landscaping should be added to the City Code.

Handout or Reference Materials

1. Color photo of 3rd Street and Jefferson Ave

R9B(2) Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)

ACTION: Not reached.

3:40:00 p.m.

R9C Discussion Regarding Implementing A Trust Fund To Help The Family In Financial Distress Of Late Co-Worker Joseph Johnson.

(Requested by Commissioner Luis R. Garcia, Jr.)

(Deferred from February 25, 2004)

ACTION: Discussion held. Motion made by Commissioner Smith to refer this item to the Finance and Citywide Projects Committee and that the financial report requested by Commissioner Steinberg be presented at the meeting; seconded by Commissioner Steinberg; Voice vote; 6-0: Absent: Commissioner Cruz. Patricia Walker to place on the committee agenda. Mayra Diaz Buttacavoli to handle.

Commissioner Garcia introduced the item. Discussion held.

Commissioner Steinberg requested a report showing how much sick time has expired, in the sense that it has not been used, donated to someone else or used by the individual in the last year. If all of the sick time was used, then this does not have the same financial concern. The report should show what the potential cost is to the City.

Motion made by Commissioner Smith to refer this item to the Finance and Citywide Projects Committee and the financial report requested by Commissioner Steinberg be presented; seconded by Commissioner Steinberg; Voice vote; 6-0: Absent: Commissioner Cruz. Patricia Walker to place on the Committee Agenda. Mayra Diaz Buttacavoli to handle.

2:42:07 p.m.

R9D Discussion Regarding Possible Settlement Of M/A-Com, Inc. V. City Of Miami Beach And Motorola, Inc., Case No. 03-10254 CA 15, 11th Jud. Circuit Court; 3DCA Case No. 3D03-3235 And 3DCA Case No. 3D04-298, Third District Court Of Appeal Of Florida.)

(City Attorney's Office)

(Documents in Legal to be Submitted)

ACTION: Discussion held. **Resolution No. 2004-25530 adopted.** Motion made by Commissioner Smith; seconded by Commissioner Bower; Voice vote: 5-0; Absent: Commissioners Cruz and Garcia.

Item presented by Jean Olin, Deputy City Attorney.

5:15:44 p.m.

R9E Presentation And Discussion Regarding The Final Report On The Mayor's Blue Ribbon Panel On Structural Integrity Of Historic Buildings.

(Requested by Mayor David Dermer)

ACTION: Discussion held. Item referred. Motion made by Commissioner Garcia to refer to the Historic Preservation Board, the Planning Board and the Land Use and Development Committee; seconded by Commissioner Steinberg; Voice vote; 7-0. Jorge Gomez to place on the Committees Agendas.

Mayor Dermer commended the Blue Ribbon Panel on Structural Integrity of Historic Buildings for the great job done on this issue. He read the names of all the members of the panel: Ted Berman, Pablo Cejas, Arnold Goldman, Herb Gopman, Mike Kinerk, Steve Levinson, Mitch Novick (Chair), Scott Robins, Manuel Taracido and Marjorie J. Weber.

Mitch Novick, Chairman of the Blue Ribbon Panel, introduced the members and gave a PowerPoint presentation.

Vice-Mayor Gross stated that there are some recommendations in the report having to do with funding and the City enforcing the City Code. Of the eight buildings that have been torn down over the last several years, seven have been vacant. Most of the problems are with vacant buildings and the current City Code provides for protecting vacant buildings. This is an enforcement issue.

Jorge Gonzalez, City Manager, stated that one of the issues is knowing exactly what the City can do from an enforcement perspective. The Administration does not want to incur liability by taking specific action that it should not be taking. The Administration is being asked to avail itself with all of the avenues available, whether it's injunctive relief or imposing remedial action. The Building Department will review and along with a review, will research what resources will be needed. **Phil Azan to handle.**

Vice-Mayor Gross requested the Administration to prepare a report for the Land Use and Development Committee on enforcing the laws now available to protect vacant buildings. Jorge Gomez to place on the Committee Agenda. **Phil Azan to handle.**

Handouts or Reference Materials

1. Copy of the Final Report, Mayor's Blue Ribbon Panel on Structural Integrity of Building – See electronic copy in the Commission Agenda

12:21:02 p.m.

SUPPLEMENTAL MATERIAL – (Resolutions)

- R9F Discussion Regarding A Proposed Second Amendment To The Interlocal Cooperation Agreement Dated June 21, 1996 Between Miami-Dade County And The City Of Miami Beach.
(City Manager's Office)

ACTION: Discussion held. **Resolution No. 2004-25531 Adopted as amended (A copy of the amendments are in the Handout or Reference Materials folder); Interlocal Agreement amended (A copy of the amendments are in the Handout or Reference Materials folder).** Motion made by Commissioner Bower; seconded by Vice-Mayor Gross; Voice vote: 6-0; Absent: Commissioner Cruz. Christina Cuervo to handle.

Jorge Gonzalez, City Manager, gave an overview of the agreement.

Commissioner Steinberg asked for the net-present value on three scenarios, 1) agreement as is, the December 1 date, 2) If the City accepts this agreement and the County G.O Bond passes; and 3) If the City accepts this agreement and the County G.O. Bond fails.

Jorge Gonzalez, City Manager, stated:

1) If this agreement is rejected by the City, the City would hope that the County does not pledge the money toward baseball and the money would come to the City. The \$50 million, which is highly speculative because it comes after a lot of other items, based on reasonable assumptions represents \$16 million.

2) If the City Commission approves this agreement and the G.O. Bond passes, the \$45 million stream of money from the RDA, or what was called the RDA, represents a net-present value of \$30,771,000, which is in addition to the G.O. Bond of \$55 million which the County would issue bonds for a total of

3) If the G.O Bond fails then the \$45 million become \$55 million for several more years in duration and the net-present value of the \$55 million becomes \$35 million.

He also stated that the County has agreed to refinance the debt in the City Center RDA, which will free up the Resort Tax pledge.

Mayor Dermer clarified that the Miami Beach City Commission is not taking a position on baseball or bond issues.

Commissioner Smith asked about the administrative fee.

Jorge Gonzalez, City Manager, stated that the County wants to apply a 1.5% of the value of the tax increment administrative fee for their administrative costs in managing RDA's. The administrative fee represents about \$200,000. The Administration agreed that if the County wants to do that, that the City get a commensurate 1.5% to the City's General Fund for the City's administrative purposes. This is a good compromise.

Vice-Mayor Gross stated that Section "H" of the agreement references future G.O. Bond issues, but not the up and coming or present G.O. Bond issue, and stated that this needs to be clarified by a side letter if possible. He also asked what happens if the G.O. Bond does not get on the November 2004 ballot and requested the language be clarified.

Jorge Gonzalez, City Manager, stated that the County, at the staff level, has committed to placing the G.O. Bond on the November 2004 ballot but would not commit to any other election.

Commissioner Steinberg stated, for the record, that it is the City Commission's understanding that if for some reason the bond issue is not on the November 2004 ballot, that it will be placed on a subsequent ballot.

Vice-Mayor Gross stated that the City Manager is stating the opposite.

Commissioner Steinberg explained that the County is assuming there will be a bond ballot question in November 2004. What the County does want to guarantee is if this bond issue, for some reason does not get on the ballot and the County goes out at a future time that this issue will be on the subsequent ballot.

Jorge Gonzalez, City Manager, stated that this interlocal agreement amendment is predicated on there being a ballot question on the November 2004 ballot. He also clarified the spirit and intent. He stated that his counterparts at the County can only commit to what they can commit to and they did. They cannot presuppose what a future County Commission will do. In November 2006, the elected officials on the County Commission may be a different Commission. The County Administration is working under the assumption, as is the City Administration, that the County Administration has the authority to place a ballot question or several ballot questions on November 2004 ballot for a G O Bond program and the City of Miami Beach is included in that ballot.

Vice-Mayor Gross thanked Jorge Gonzalez, City Manager, Christina Cuervo, Assistant City Manager, and Patricia Walker, Chief Financial Officer.

Jorge Gonzalez, City Manager, mentioned the amended resolution that amends some dates. He thanked Christina Cuervo, Assistant City Manager, Patricia Walker, Chief Financial Officer, Raul Aguila, Assistant City Attorney, and the City Attorney staff.

Handout or Reference Materials

1. #1 - Copy of the revised Resolution
2. #2 - Amended Second Amendment to the Interlocal Cooperation Agreement
3. #3 - Amended Second Amendment to the Interlocal Cooperation Agreement as submitted in the Commission Agenda
4. #4 - Second Amendment to the Interlocal Cooperation Agreement as submitted at the Commission Meeting
5. #5 - Second Amendment to the Interlocal Cooperation Agreement which reflect the changes that have been made since the document was presented to the City Commission at the March 17, 2004 meeting (Provided by Miami-Dade County)
6. #6 - County Resolution R-375-04
7. #7 - Executed Second Amendment to the Interlocal Cooperation Agreement dated June 21, 1996, between Miami-Dade County and the City of Miami Beach
8. #8 - Copy of the \$15,000,000 check

10:07:07 a.m.**Addendum Item:**

R9G Discussion Regarding The Use Of Flamingo Field For The Relay For Life Event.
(Requested by Commissioner Luis R. Garcia, Jr.)

ACTION: Discussion held.

Commissioner Garcia stated that this organization is very dear to him, and this year part of the program is going to be dedicated to the memory of his late wife. He recognized that last year was a great success but the organizing committee had mentioned that Flamingo Park would be a more ideal location.

Donna Zemo stated that the Miami Beach Relay for Life 2004 event is scheduled for May 15th through the 16th. Last year the City raised \$110,000 in its first year participating. It is the consensus of the committee that represents the community that Flamingo Park would be a more ideal location for this event, it would increase the attendance and publicity and the much needed funds for the fight against cancer.

Jorge Gonzalez, City Manager, advised that the City supports holding the event at Flamingo Park, but prior to finalizing the location, it is necessary that the residents have an opportunity to understand the program and its impact.

Commissioner Bower stated that she is in support of this fundraiser, but added that the event must go through the Special Events process. There are parking issues that need to be resolved and meetings to be held to reach out to the neighboring community.

Jorge Gonzalez, City Manager, stated that from an administrative perspective, fees will be waived, however a key part of the Special Events process is reaching out to the community. He stated that he will expedite the process whether the program is held at Flamingo Park or Miami Beach High School. **Max Sklar and Saul Frances to handle.**

Donna Zemo advised that the committee is already in the process of scheduling a community meeting and talking with the developers in the area to find ways to address parking.

Commissioner Garcia requested to be notified of the meeting so he could attend and speak with the residents personally. **Max Sklar to handle.**

R10 - City Attorney Reports**R10A Notice Of Closed Executive Session.**

Pursuant To Section 286.011, Florida Statutes, A Closed Executive Session Will Be Held During Lunch Recess Of The City Commission Meeting On March 17, 2004 In The City Manager's Large Conference Room, Fourth Floor, City Hall, To Discuss Pending Litigation On The Following Case:

M/A-COM. Inc., A Florida Corporation Vs. City Of Miami Beach, Florida, A Florida Municipal Corporation And Motorola, Inc., A Delaware Corporation. Eleventh Judicial Circuit, General Jurisdiction, Case No. 03-10254 CA 15

The Following Individuals Will Be In Attendance: Mayor David Dermer; Members Of The Commission: Matti H. Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith And Richard Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge Gonzalez And Deputy City Attorney Jean Olin.

ACTION: Announced and held.

City Clerk's note: See Agenda item R9D

Reports and Informational Items**A City Attorney's Status Report.**

(City Attorney's Office)

ACTION: Written report submitted.

B Parking Status Report.

(Parking Department)

ACTION: Written report submitted.

C Status Report On The Rehabilitation Project Of The Existing Building And The Addition To Fire Station No. 2.

(Capital Improvement Projects)

ACTION: Written report submitted.

D Status Report On The Rehabilitation Project Of Fire Station No. 4.

(Capital Improvement Projects)

ACTION: Written report submitted.

- E Informational Report To The Mayor And City Commission, On Federal, State, Miami-Dade County, And All Existing City Contracts For Renewal Or Extensions In The Next 180 Days.
(Procurement)

ACTION: Written report submitted.

10:30:40 a.m.

- F Presentation And Update On The Visitor And Convention Authority (VCA).
(Tourism & Cultural Development)

ACTION: Written report submitted.

Elsie Sterling Howard, Steven Hass, and Steve Hertz spoke.

A videotape was played.

Commissioner Bower stated that the video should be replayed in Government Channel 20. Ron Francis to handle.

- G Non-City Entities Represented By City Commission:
1. Minutes From The February 10, 2004 Performing Arts Center Trust (PACT) Board Meeting, The February 9, 2004 PACT Executive Committee Meeting, The February 6, 2004 Construction Committee Meeting, And Agenda For The Upcoming Meeting On March 9, 2004.
(Requested by Commissioner Matti Herrera Bower)

ACTION: Written report submitted.

- H Presentation By Greater Miami Convention & Visitors Bureau.
(Convention Center)

ACTION: not reached.

End of Regular Agenda

**Miami Beach Redevelopment Agency
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
March 17, 2004**

Chairman of the Board David Dermer
Member of the Board Matti Herrera Bower
Member of the Board Simon Cruz Absent
Member of the Board Luis R. Garcia, Jr.
Member of the Board Saul Gross
Member of the Board Jose Smith
Member of the Board Richard L. Steinberg

Executive Director Jorge M. Gonzalez
Assistant Director Christina M. Cuervo
Assistant Director Mayra Diaz Buttacavoli
General Counsel Murray H. Dubbin
Secretary Robert E. Parcher

AGENDA

1. ROLL CALL

2. OLD BUSINESS

A Report Of The Itemized Revenues And Expenditures Of The Miami Beach Redevelopment Agency For The Month Of January 2004.

ACTION: Written report submitted.

11:21:28 a.m.

3. NEW BUSINESS

A A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency Authorizing The Executive Director, Or Designee, To Execute An Amendment To The Agreement Between The Miami Beach Redevelopment Agency And The State Of Florida Department Of Management Services, Facilities And Building Construction Division, For The Renovations And Restoration Of The Colony Theatre In An Amount Not-To-Exceed \$396,762; And Appropriating \$1,386,203 From City Center RDA Funds For This Change Order And Also To Replace \$500,000 Of Grant Funding That The City Applied For From The State Of Florida's Cultural Facilities Program, But Which Was Not Granted Due To A Lack Of Funding By The State; Providing For Previously Due Art In Public Places Allocation For The New Portion Of The Building In The Amount Of \$66,849; And Providing For CIP Fees In The Amount Of \$234,486; And Providing For Allocation For Owner Requested Items And A New Contingency In The Amount Of \$188,106.

ACTION: Resolution No. 468-2004 adopted as amended by approving the appropriation and an expenditure up to \$1,521,249, and the Administration to explore DMS stepping down and CIP to manage the project and if DMS is not willing to step down, to negotiate a fee reduction. Motion made by Commissioner Bower; seconded by Commissioner Steinberg; Voice vote: 4-1; Opposed: Commissioner Garcia; Absent: Mayor Dermer and Commissioner Cruz. Tim Hemstreet to handle.

Discussion held.

Jorge Gonzalez, City Manager, stated that at the next Commission Meeting the Administration will come back with the results of the negotiations with DMS. **Tim Hemstreet to handle.**

Jorge Gonzalez, City Manager, also stated that there are certain expenses that the contractor has submitted that need to be paid from the appropriation.

Motion amended to also expend funds up to \$1,521,249 (\$1,640,249 - \$119,000). Motion made by Commissioner Bower; seconded by Commissioner Steinberg; Voice vote: 6-1; Opposed: Commissioner Garcia; Absent: Commissioner Cruz.

Handout or Reference Materials:

1. Interoffice Memorandum from Jorge Gonzalez, City Manager, to Finance and Citywide Projects Committee, dated March 12, 2004
2. Spreadsheet titled: Analysis of Colony Theater Request for Change Order No. 3 – Revised Based on March 16, 2004 Negotiations

City Clerk's Note: Page 607 of the Agenda, paragraph No. 6: " additional finding at this time would be ~~\$1,753,460~~ \$1,666,543."

Meeting adjourned at 7:49:41 p.m.

End of RDA Agenda